



County of Los Angeles
CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

April 15, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: RESOLUTION OF SUMMARY VACATION
DRAINAGE EASEMENT - CITY OF LA CANADA FLINTRIDGE
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to vacate an existing drainage easement that is no longer needed for public use south of Lynnhaven Lane in the City of La Canada Flintridge.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that these actions are categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that:
 - a. The drainage easement south of Lynnhaven Lane is no longer required for public use and that it may, therefore, be vacated under the authority of Section 5400 of the California Health and Safety Code.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

- b. The drainage easement south of Lynnhaven Lane has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that it may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.
 - c. The drainage easement south of Lynnhaven Lane is no longer needed for present or prospective public use.
3. Adopt the Resolution of Summary Vacation.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to vacate the drainage easement south of Lynnhaven Lane (Easement), since it no longer serves the purpose for which it was dedicated and is not required for public use.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Fiscal Responsibility (Goal 4). The vacation of the easement will eliminate unnecessary maintenance cost and reduce the County's possible future exposure to liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The applicant has paid a \$1,000 fee to defray the expense of the investigation. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 6,757 square feet and is shown on the map attached to the resolution.

The Streets and Highways Code Section 8333 provides "The legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation." Streets and Highways Code Section 8306 defines "public service easements" to include

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storm drain easements. Section 5400 of the Health and Safety Code provides that a County board of supervisors may vacate an easement for sewage or drainage purposes whenever it determines the easement is no longer required for public use.

The County's interest in the easement was acquired in 1947 by dedication in Tract No. 14178, recorded in Book 298, page 8, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles as an easement for drainage purposes.

C & K Landscape Design on behalf of Mr. and Mrs. Gary Mittelberg, along with other adjoining property owners, requested the vacation to build a retaining wall within the easement as part of a home and landscape remodeling project on the Mittelberg's property. The vacation of the easement will provide an additional buildable area.

Adoption of the attached resolution will terminate the County's rights and interest in the easement. Your action will result in the properties being unencumbered of the easement, and available to the property owners for use without restriction of the easement.

ENVIRONMENTAL DOCUMENTATION

These actions are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15305 and 15321 of the State CEQA Guidelines which states that this class of projects consisting of minor alterations in land use, limitations and actions to revoke entitlement for use, issue and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

IMPACT ON CURRENT SERVICES OR (PROJECTS)

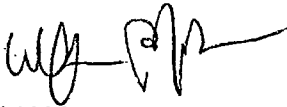
These actions will allow for additional property taxes through elimination of the easement.

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CONCLUSION

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a stylized flourish.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DDE
PAP:gp

Attachment

c: County Counsel

**RESOLUTION OF SUMMARY VACATION
DRAINAGE EASEMENT SOUTH OF LYNNHAVEN LANE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of an easement for drainage purposes (hereinafter referred to as the Easement) in, over, and across the real properties legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Easement, south of Lynnhaven Lane, is located in the City of La Canada Flintridge, State of California.
2. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement is no longer needed for present or prospective public use.
4. The Easement is hereby vacated pursuant to Section 5400 of the Health and Safety Code, State of California, and Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330.
5. Public Works be authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Easement shall no longer constitute a public easement.
6. From and after the date this resolution is recorded, the Easement no longer constitutes a street, highway, or public service easement.

The foregoing Resolution was on the _____ day of _____, 2008, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,
County Counsel

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

By _____
Deputy

JLS:gp

GLORIA P|BOARD LTRS|LA CANADA FLINTRIDGE VAC

EXHIBIT A

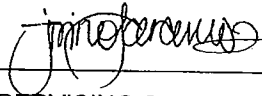
**DRAINAGE EASEMENT SOUTH OF
LYNNHAVEN LANE**

A.I.N. 5816-021-001 to 006
T.G. 535-C3
I.M. 189-217
R.D. 514
S.D. 5
M0788103

LEGAL DESCRIPTION
(Vacation of Easement)

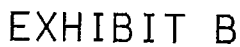
Those portions of Lots 1 to 6, inclusive, Tract No. 14178, as shown on map recorded in Book 298, page 8, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, shown and designated as "10' Easement to Los Angeles County for Drainage Purpose", on said map.

Total Area: 6,757± square feet

APPROVED AS TO DESCRIPTION	
March 13, 2008	
COUNTY OF LOS ANGELES	
By	
SUPERVISING CADASTRAL ENGINEER III Mapping and Property Management Division	

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

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Area to be vacated
Total Area: 6757± s.f.

1.

2.

3.

MAPPING & PROPERTY MANAGEMENT DIVISION

M0788103

DRAWING NO.

M0788103